

**United States District Court  
District of Nevada (Las Vegas)  
CIVIL DOCKET FOR CASE #: 2:21-cv-00446-JAD-NJK**

Holmes v. USAA Savings Bank  
Assigned to: Judge Jennifer A. Dorsey  
Referred to: Magistrate Judge Nancy J. Koppe  
Cause: 47:227 Restrictions of Use of Telephone Equipment

Date Filed: 03/18/2021  
Jury Demand: Both  
Nature of Suit: 485 Telephone Consumer Protection Act (TCPA)  
Jurisdiction: Federal Question

**Plaintiff**

**Henry Holmes**

represented by **Michael Joseph Plati**  
Price Law Group, APC  
8245 N. 85th Way  
Scottsdale, AZ ---  
818-600-5561  
Fax: 818-600-5461  
Email: plati@pricelawgroup.com  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Steven A Alpert**  
Price Law Group, APC  
5940 S. Rainbow Blvd.  
Suite 3014  
Las Vegas, NV 89118  
702-794-2008  
Fax: 866-401-1457  
Email: alpert@pricelawgroup.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**USAA Savings Bank**

represented by **Robert W Freeman , Jr.**  
Lewis Brisbois Bisgaard & Smith LLP  
6385 S. Rainbow Blvd., Ste. 600  
Las Vegas, NV 89118  
702-893-3383  
Fax: 702-893-3789  
Email: robert.freeman@lewisbrisbois.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Priscilla Louise O'Briant**  
Lewis Brisbois Bigaard & Smith, LLB  
6385 S. Rainbow Boulevard, Ste. 600  
Las Vegas, NV 89118  
702-893-3383  
Fax: 702-893-3789  
Email: priscilla.obriant@lewisbrisbois.com

**Defendant**

**USAA Federal Savings Bank**

represented by **Robert W Freeman , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Allyson Rae–Ann Cady**  
Benesch Friedlander Coplan & Aronoff LLP  
200 Public Square  
Suite 2300  
Cleveland, OH 44114  
216–363–4500  
Fax: 216–363–4588  
Email: acady@beneschlaw.com  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Priscilla Louise O'Briant**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/18/2021	¶ 1	COMPLAINT against USAA Savings Bank (Filing fee \$402 receipt number 0978–6410477) by Henry Holmes. Proof of service due by 6/16/2021. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons) (Alpert, Steven)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1–1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 03/18/2021)
03/18/2021	¶ 2	CERTIFICATE of Interested Parties by Henry Holmes. There are no known interested parties other than those participating in the case (Alpert, Steven) (Entered: 03/18/2021)
03/18/2021	¶ 3	Case randomly assigned to Judge Jennifer A. Dorsey and Magistrate Judge Nancy J. Koppe. (JQC) (Entered: 03/18/2021)
03/18/2021	¶ 4	Summons Issued as to USAA Savings Bank. (JQC) (Entered: 03/18/2021)
04/28/2021	¶ 5	First AMENDED COMPLAINT with Jury Demand against USAA Savings Bank by Henry Holmes. No changes to parties. (Alpert, Steven) (Entered: 04/28/2021)
05/20/2021	¶ 6	MOTION for Leave to File <i>Second Amended Complaint</i> by Plaintiff Henry Holmes. (Attachments: # <u>1</u> Exhibit A – Proposed Second Amended Complaint, # <u>2</u> Proposed Order) (Alpert, Steven) (Entered: 05/20/2021)
05/24/2021	¶ 7	ORDER Denying without prejudice <u>5</u> Motion for Leave to File Second Amended Complaint. Signed by Magistrate Judge Nancy J. Koppe on 5/24/2021. (Copies have been distributed pursuant to the NEF – MR) (Entered: 05/24/2021)
06/03/2021	¶ 8	Second MOTION for Leave to File <i>Second Amended Complaint</i> by Plaintiff Henry Holmes. (Attachments: # <u>1</u> Exhibit A – Proposed Second Amended Complaint, # <u>2</u> Proposed Order) (Alpert, Steven) (Entered: 06/03/2021)

06/16/2021	<u>i</u> 8	SUMMONS Returned Executed by Henry Holmes. USAA Savings Bank served on 6/15/2021. (Alpert, Steven) (Entered: 06/16/2021)
06/28/2021	<u>i</u> 9	ORDER Granting <u>7</u> Motion for Leave to File Second Amended Complaint. Signed by Magistrate Judge Nancy J. Koppe on 6/28/2021. (Copies have been distributed pursuant to the NEF – JQC) (Entered: 06/28/2021)
06/28/2021	<u>i</u> 10	Second AMENDED COMPLAINT with Jury Demand against USAA Savings Bank, USAA Federal Savings Bank by Henry Holmes. Adds new parties. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons) (Alpert, Steven) (Entered: 06/28/2021)
07/06/2021	<u>i</u> 11	Summons Issued as to USAA Federal Savings Bank, USAA Savings Bank. (JQC) (Entered: 07/06/2021)
07/15/2021	<u>i</u> 12	MOTION/VERIFIED PETITION for Permission to Practice Pro Hac Vice by Michael J. Plati and DESIGNATION of Local Counsel Steven A. Alpert (Filing fee \$ 250 receipt number 0978–6559248) by Plaintiff Henry Holmes. (Alpert, Steven) (Entered: 07/15/2021)
07/16/2021	<u>i</u> 13	ORDER Granting <u>12</u> Verified Petition for Permission to Practice Pro Hac Vice for Attorney Michael J. Plati for Henry Holmes and approving Designation of Local Counsel Steven A Alpert. Signed by Judge Jennifer A. Dorsey on 7/16/2021. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF – JQC) (Entered: 07/16/2021)
08/02/2021	<u>i</u> 14	MOTION to Dismiss <u>1</u> Complaint, by Defendants USAA Federal Savings Bank, USAA Savings Bank. Responses due by 8/16/2021. Discovery Plan/Scheduling Order due by 9/16/2021. (Attachments: # <u>1</u> Declaration Deneen) (O'Briant, Priscilla)  NOTICE of Certificate of Interested Parties requirement: Under Local Rule 7.1–1, a party must <u>immediately</u> file its disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court. (Entered: 08/02/2021)
08/02/2021	<u>i</u> 15	CERTIFICATE of Interested Parties by USAA Federal Savings Bank, USAA Savings Bank that identifies all parties that have an interest in the outcome of this case. Corporate Parent USAA, Other Affiliate USAA Savings Bank, Other Affiliate USAA CAPCO for USAA Savings Bank; Corporate Parent USAA CAPITOL CORPORATION, Other Affiliate USAA CAPCO, Other Affiliate USAA FSB for USAA Federal Savings Bank added. (O'Briant, Priscilla) (Entered: 08/02/2021)
08/16/2021	<u>i</u> 16	RESPONSE to <u>14</u> Motion to Dismiss,, by Plaintiff Henry Holmes. Replies due by 8/23/2021. (Plati, Michael) (Entered: 08/16/2021)
08/23/2021	<u>i</u> 17	REPLY to Response to <u>14</u> Motion to Dismiss,, by Defendants USAA Federal Savings Bank, USAA Savings Bank. (O'Briant, Priscilla) (Entered: 08/23/2021)
08/30/2021	<u>i</u> 18	MOTION/VERIFIED PETITION for Permission to Practice Pro Hac Vice by Allyson R. Cady and DESIGNATION of Local Counsel Priscilla L. O'Briant (Filing fee \$ 250 receipt number 0978–6614395) by Defendant USAA Federal Savings Bank. (O'Briant, Priscilla) (Entered: 08/30/2021)
08/30/2021	<u>i</u> 19	Stipulated Discovery Plan and Scheduling Order by Plaintiff Henry Holmes. (Plati, Michael) (Entered: 08/30/2021)
08/31/2021	<u>i</u> 20	SCHEDULING ORDER Granting in part and denying in part <u>19</u> Discovery Plan and Scheduling Order. Discovery due by 2/28/2022. Motions due by 3/30/2022. Proposed Joint Pretrial Order due by 4/29/2022. Signed by Magistrate Judge Nancy J. Koppe on 8/31/2021.(Copies have been

distributed pursuant to the NEF – JQC) (Entered: 08/31/2021)

08/31/2021	<u>i 21</u>	NOTICE PURSUANT TO LOCAL RULE IB 2–2: In accordance with 28 USC § 636(c) and FRCP 73, the parties in this action are provided with a link to the "AO 85 Notice of Availability, Consent, and Order of Reference – Exercise of Jurisdiction by a U.S. Magistrate Judge" form on the Court's website – <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> . <b>AO 85 Consent forms should NOT be electronically filed.</b> Upon consent of all parties, counsel are advised to manually file the form with the Clerk's Office. (A copy of form AO 85 has been mailed to parties not receiving electronic service.) ( <b>no image attached</b> ) (JQC) (Entered: 08/31/2021)
09/01/2021	<u>i 22</u>	ORDER Granting <u>18</u> Verified Petition for Permission to Practice Pro Hac Vice Allyson R. Cady and approving Designation of Local Counsel Priscilla Louise O'Briant. Signed by Judge Jennifer A. Dorsey on 9/1/2021. Any Attorney not yet registered with the Court's CM/ECF System shall submit a Registration Form on the Court's website <a href="http://www.nvd.uscourts.gov">www.nvd.uscourts.gov</a> (Copies have been distributed pursuant to the NEF – JQC) (Entered: 09/01/2021)
12/14/2021	<u>i 23</u>	STIPULATED PROTECTIVE ORDER by Plaintiff Henry Holmes. (Plati, Michael) (Entered: 12/14/2021)
12/14/2021	<u>i 24</u>	PROTECTIVE ORDER Granting <u>23</u> Stipulated Protective Order. Signed by Magistrate Judge Nancy J. Koppe on 12/14/2021. (Copies have been distributed pursuant to the NEF – JQC) Modified text on 12/15/2021 (MR). (Entered: 12/15/2021)
12/14/2021	<u>i 25</u>	ORDER. IT IS ORDERED that counsel shall comply with the requirements of Local Rule IA 10–5, the Ninth Circuits decision in Kamakana, 447 F.3d 1172, and the procedures outlined above, with respect to any documents filed under seal. Signed by Magistrate Judge Nancy J. Koppe on 12/14/2021. (Copies have been distributed pursuant to the NEF – JQC) (Entered: 12/15/2021)
12/20/2021	<u>i 26</u>	ORDER. IT IS ORDERED that <u>14</u> the defendants motion to dismiss is DENIED as moot. Signed by Judge Jennifer A. Dorsey on 12/20/2021. (Copies have been distributed pursuant to the NEF – JQC) (Entered: 12/21/2021)